

UNITED STATES BANKRUPTCY COURT
for the Eastern District of Pennsylvania

In re	:	Case No. 18 - 12239
Deborah L. Jackson	:	(Chapter 13)
Debtor.	:	
	:	Hon. Jean K. FitzSimon
	:	
Deborah L. Jackson	:	
Plaintiff	:	
vs.	:	
	:	
Wells Fargo Bank, N.A., d/b/a, Wells	:	
Fargo Dealer Services, Inc.	:	
Defendant	:	Adv. Proc. No. 18 - 00
	:	
William C. Miller, Esquire	:	
Interim Chapter 13 Standing Trustee	:	
	:	

**Complaint to Determine Validity and Extent of
Creditor's Interest in Property of the Estate**

PRELIMINARY STATEMENT

1. AND NOW, comes Debtor-Plaintiff, Deborah L. Jackson, by and through her attorney, Ronald G. McNeil, Esquire, hereby requests a determination as to the validity and extent of Wells Fargo Bank, N.A., d/b/a, Wells Fargo Dealer Services, Inc.'s ("Wells Fargo") secured claim, and, in support thereof, avers as follows.

JURISDICTION

2. Jurisdiction is conferred on this Honorable Court by 28 U.S.C. § 1334 in that this proceeding arises under the Title 11 of the United States Code, arises in and is related to the above-captioned Chapter 13 case under Title 11, and concerns property of the debtor in that case.
3. Plaintiff's action for declaratory relief is authorized by 28 U.S.C. §§ 2201 and 2202.

VENUE and PARTIES

4. This action properly lies in the Eastern District of Pennsylvania, pursuant to 28 U.S.C. § 1391(b), because this bankruptcy petition was filed in this judicial district and because the real property in question is located in this judicial district.
5. This Honorable Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 157(a) and 1334(b). This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(K).
6. Plaintiff is an individual residing within the City and County of Philadelphia, in the Commonwealth of Pennsylvania, she is the debtor in this above-captioned Chapter 13 case, and she commenced this case on April 3, 2018, by filing the above-captioned voluntary petition for relief under Chapter 13 of Title 11, United States Code.
7. On or about February 18, 2013, Plaintiff purchased the automobile in question, 2012 Nissan Altima, which is in excess of nine hundred ten (910) days of this bankruptcy filing (11 U.S.C. § 1325(a)).
8. Defendant is a secured creditor of Plaintiff-Debtor by virtue of a lien on this automobile.
9. William C. Miller, Esquire, is the Interim Chapter 13 Standing Trustee for this judicial district.

FACTUAL BACKGROUND

10. At the time, Plaintiff-Debtor filed this above-captioned bankruptcy petition and at the present time, Debtor believes that the replacement value of her automobile is approximately \$4,550.00. A copy of the N.A.D.A. value and the mechanic report are attached hereto and marked as Exhibit "A."
11. Pursuant to Associates Commercial Corp. v. Rash, 520 U.S. 953, 964 (1997), Plaintiff believes that replacement value of her automobile is \$4,550.00.
12. Plaintiff believes that Defendant will assert a security interest in Plaintiff's automobile, which secures a claim in the amount of \$6,232.60, as stated on its Proof of Claim.

13. Plaintiff asserts that the value of her automobile, securing this creditor's claim is less than the amount of this creditor's claim, and, accordingly, pursuant to 11 U.S.C. §§ 506(a) and 1322(b)(2), Defendant holds a secured claim of \$4,550.00 and an unsecured claim of \$1,682.60.
14. Plaintiff believes that the contract interest rate of 5.75% is the appropriate interest rate for this cramdown plan.

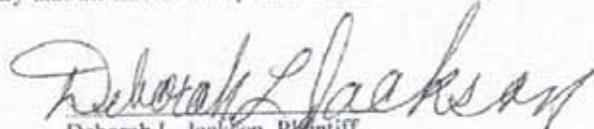
WHEREFORE, Plaintiff-Debtor respectfully requests that this Honorable Court determine the validity and extent of this creditor's lien against her personal property and in the process determine the amount of this creditor's secured claim. To the extent that this party's claim is unsecured, Plaintiff-Debtor prays that this Honorable Court modify and avoid this lien, pursuant to 11 U.S.C. §§ 506(d) and 1322(b)(2).

Respectfully submitted,


Ronald G. McNeil, Esquire
Attorney for Plaintiff

VERIFICATION

I declare under penalty of perjury that the information provided in this Adversary Complaint is true and correct.


Deborah L. Jackson, Plaintiff
DATE: 8-22-18

Front Bumper

1	I	6	Cover,Front Bumper	Repair	1.0*	SM
2	L	6	13 Cover,Front Bumper	Refinish	3.7	RF
				2.6 Surface		
				0.6 Two-stage setup		
				0.5 Two-stage		

Front Body And Windshield

3	I	104	Fender,Front RT	Repair	2.0*	SM
4	L	104	Fender,Front RT	Refinish	2.6	RF
				2.2 Surface		
				0.4 Two-stage		

Wheels

5	E	1837	Cover,Front Wheel LT	40315ZN60A	\$75.03	SM
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Front Doors

6	EC	275	Housing,Mirror Outer LT	Replace Economy	\$124.00*	1.2	SM
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Quarter And Rocker Panel

7	I	348	Panel,Quarter RT	Repair	4.0*	SM
8	L	348	Panel,Quarter RT	Refinish	2.6	RF
				2.2 Surface		
				0.4 Two-stage		

Rear Bumper

9	RI	566	Rear Bumper Cover R&I	R & I Assembly	1.8	SM
10	I	566	Cover,Rear Bumper	Repair	3.0*	SM
11	L	566	Cover,Rear Bumper	Refinish	3.1	RF
				2.6 Surface		
				0.5 Two-stage		

Manual Entries

12	I	M14	Corrosion Protection	Repair	0.3*	RF
13	L	M15	Color Tint	Refinish	0.5*	RF
14	I	M17	Cover Car Exterior	Repair	0.3*	RF
15	I	M66	Color Sand And Buff	Repair	1.0*	RF
15	Items					

MC	Message
13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE	

Estimate Total & Entries

Gross Parts		\$75.03
Other Parts		\$124.00
Paint & Materials	14.1 Hours @ \$30.00	\$423.00
Parts & Material Total		\$622.03
Tax On Parts Only	@ 8.000%	\$15.92

Labor	Rate	Replace Hrs	Repair Hrs	Total Hrs	
Sheet Metal (SM)	\$50.00	3.0	10.0	13.0	\$650.00
Mech/Elec (ME)	\$50.00				
Frame (FR)	\$50.00				
Refinish (RF)	\$50.00	12.5	1.6	14.1	\$705.00

Labor Total		27.1 Hours	\$1,355.00
Tax on Labor		@ 8.000%	\$108.40
Gross Total			\$2,101.35